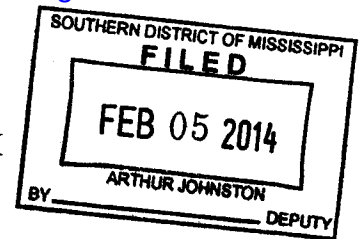


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION



UNITED STATES OF AMERICA

v.

CRIMINAL NO.: *3:14 cr 41 HTW-FKB*

TIMOTHY BENJAMIN TAYLOR,
NIKI ANTOINETTE RIVERS,
VERNESHIA DANSHONETT CODY,
CHERYL DOMINGUE WARREN, and
STEPHEN V. GRAHAM

18 U.S.C. §286
18 U.S.C. §1349
18 U.S.C. §371

The Grand Jury charges:

At all times relevant to this Indictment:

1. Defendant **TIMOTHY BENJAMIN TAYLOR** ("**TAYLOR**") resided in both the State of Mississippi and the State of Georgia, working as a self-employed retail businessman, at one point doing business as "Mattresses R Us" from which location he prepared tax returns for the public.
2. Defendant **NIKI ANTOINETTE RIVERS** ("**RIVERS**") was employed at Emory Healthcare in Atlanta, Georgia, from approximately June 2007 through June 2009 in the positions of Patient Services Coordinator and Patient Services Associate. Defendant **RIVERS** was related by marriage to Defendant **TAYLOR**.
3. Defendant **VERNESHIA DANSHONETT CODY** ("**CODY**") was a resident of Hinds County, Mississippi, and the owner and operator of a business known as TDK Accounting and Tax Services, a part of said business being the preparation of income tax returns.
4. Defendant **CHERYL DOMINGUE WARREN** ("**WARREN**") was a resident of the State of Mississippi and owned and operated several businesses including but not limited to a

daycare center and a nightclub in Hinds County, Mississippi. Defendant **WARREN** and Defendant **CODY** had a prior landlord-tenant relationship.

5. Defendant **STEPHEN V. GRAHAM ("GRAHAM")** was a resident of Rankin County, Mississippi, and worked as a salesman at an automobile dealership in the Jackson metropolitan area, with prior self-employment involving computers.

6. A "means of identification" is any name or number that may be used, alone or in conjunction with any other information, to identify a specific individual, including a name, Social Security number, or date of birth.

COUNT 1

7. The allegations contained in paragraphs 1-6 of this Indictment are hereby re-alleged and incorporated herein as if fully set forth in this paragraph.

8. From in or about at least May 2008, and continuing through at least February 26, 2009, in Hinds County, in the Northern Division of the Southern District of Mississippi and elsewhere, the defendants, **TIMOTHY BENJAMIN TAYLOR, NIKI ANTOINETTE RIVERS, VERNESHIA DANSHONETT CODY, CHERYL DOMINGUE WARREN, and STEPHEN V. GRAHAM**, and other persons known and unknown to the Grand Jury, knowingly and willfully agreed and conspired with each other to defraud the United States of America, the United States Department of the Treasury, and the Internal Revenue Service ("IRS"), by obtaining and aiding to obtain the payment and allowance of a false, fictitious, and fraudulent claim as follows:

9. It was an object of the conspiracy that the defendants **TAYLOR, RIVERS, CODY, WARREN, and GRAHAM**, and other persons known and unknown to the Grand Jury, would

cause the presentation of false claims to the IRS by preparing and submitting false U.S. Individual Income Tax Returns, Forms 1040 for tax year 2008, using stolen identities.

10. It was part of the conspiracy that Defendant **RIVERS** would obtain from her employer, Emory Healthcare, personal identifying information from patient information sheets without the permission of said patients. The personal identifying information included the names, addresses, social security numbers, and dates of birth for said patients.

11. It was part of the conspiracy that Defendant **RIVERS** would then provide the patient identifying information to Defendant **TAYLOR** without the patients' permission for use in the preparation and submission to the IRS of false Forms 1040, U.S. Individual Income Tax Returns.

12. It was part of the conspiracy that Defendant **TAYLOR** then provided this identifying information to Defendant **WARREN** and to Defendant **CODY** at TDK Accounting and Tax Service ("TDK"), and others known and unknown to the Grand Jury, who agreed to use the personal identifying information to prepare and electronically submit approximately 32 false Forms 1040, U.S. Individual Income Tax Returns to the IRS, using the electronic filing identification number ("EFIN") assigned by the IRS to Defendant **CODY** and TDK, in order to obtain fraudulent tax refunds provided from the United States Department of the Treasury.

13. It was further part of the conspiracy that in creating the fraudulent tax return documents, Defendants **TAYLOR, CODY, and WARREN**, and others known and unknown to the Grand Jury, would fraudulently use approximately 64 of the identities on the Emory Healthcare patient information sheets as purported taxpayers, dependents, and heads of household in the false Forms 1040, U.S. Individual Income Tax Returns.

14. It was part of the conspiracy that Defendants **TAYLOR and WARREN** would fabricate Forms W-2 for placement in fabricated TDK customer files to support the false tax return

information. Thereafter, the defendants **TAYLOR and WARREN**, and others known and unknown to the Grand Jury, would forge on tax return documents signatures purporting to be those of persons reflected in the Emory Healthcare patient information sheets obtained from Defendant **RIVERS**.

15. It was part of the conspiracy that Defendant **TAYLOR** would provide to Defendant **GRAHAM** through electronic mail the patient personal identifying information removed from Emory Healthcare by Defendant **RIVERS**.

16. It was part of conspiracy that Defendant **GRAHAM** would prepare fictitious Georgia state drivers' licenses using the Emory Healthcare patient identifying information. Using a facsimile number provided by Defendant **TAYLOR**, Defendant **GRAHAM** would send copies of these fictitious drivers' licenses to Defendant **WARREN** and to Defendant **Cody** at TDK for placement in fabricated TDK customer files in support of the false Forms 1040, U.S. Individual Income Tax Returns.

17. It was part of the conspiracy that Defendant **CODY**, and others known and unknown to the Grand Jury, would use the EFIN assigned by the IRS to Defendant **CODY** and TDK, and electronically file with the IRS the false Forms 1040, U.S. Individual Income Tax returns containing the stolen Emory Healthcare patient personal identifiers.

18. It was also part of the conspiracy that upon processing by the IRS of these false tax returns, fraudulent tax refunds would be generated. Thereafter, these fraudulent tax refund payments would be released by the U.S. Department of the Treasury to JPMorgan Chase bank accounts accessible to Defendant **CODY**. Thereafter, Defendants **TAYLOR, RIVERS, CODY, WARREN and GRAHAM** would cause the funds from the fraudulent tax refunds to be used for the personal benefit of each other.

19. To accomplish the objectives of the conspiracy, in the Southern District of Mississippi, and elsewhere, and in furtherance thereof, the Defendants **TAYLOR, RIVERS, CODY, WARREN, and GRAHAM**, and others, both known and unknown to the grand jury, committed the following acts, among others, in furtherance of the conspiracy.

20. On or about May 13, 2008, Defendant **RIVERS** printed Emory Healthcare patient information sheets which contained patient personal identifying information, including but not limited to patient names, dates of birth, and social security numbers, and without lawful authority transferred that personal identifying information to Defendant **TAYLOR**.

21. On or about January 15, 2009, Defendant **RIVERS** printed Emory Healthcare patient information sheets which contained patient personal identifying information, including but not limited to patient names, dates of birth, and social security numbers, and without lawful authority transferred that personal identifying information to Defendant **TAYLOR**.

22. On or about and between January 15, 2009, and February 9, 2009, Defendants **TAYLOR, WARREN, CODY, and GRAHAM** caused to be fabricated purported drivers' licenses which appeared to be issued by the State of Georgia, utilizing the stolen personal identifiers of M.C.K., R.D.G., L.J.H., V.I.L., and W.N.L.

23. On or about January 15, 2009, and February 9, 2009, Defendant **GRAHAM** caused the fabricated Georgia drivers' licenses to be faxed to Defendant **WARREN** and to Defendant **CODY** at TDK, and to others known and unknown to the Grand Jury who were employees at TDK and subject to the direction of Defendant **CODY**, for placement in fabricated TDK customer files in support of the false tax returns filed in the same names.

24. On or about each date listed below, **TAYLOR, RIVERS, CODY, WARREN, and GRAHAM**, and others, both known and unknown to the grand jury, prepared and filed, and caused to be prepared and filed, a false federal income tax return, supported by false personal identifying information and documents, in the name of the individual whose initials are listed below, and claiming a tax refund in the approximate amount as follows:

Paragraph	Taxpayer	Date of Filing	Approximate Refund Claimed
24(a).	M.C.K.	02/09/2009	\$3,712
24(b).	R.D.G.	02/11/2009	\$3,694
24(c).	L.J.H.	02/11/2009	\$3,579
24(d).	V.I.L.	02/11/2009	\$3,669
24(e).	W.N.L.	02/11/2009	\$3,593

All in violation of Section 286, Title 18, United States Code.

COUNT 2

25. The allegations contained in paragraphs 1-6 of this Indictment are hereby re-alleged and incorporated herein as if fully set forth in this paragraph.

26. From in or about at least May 2008, and continuing through at least February 26, 2009, in Hinds County, in the Northern Division of the Southern District of Mississippi and elsewhere, the defendants **TIMOTHY BENJAMIN TAYLOR, NIKI ANTOINETTE RIVERS, VERNESHIA DANSHONETT CODY, CHERYL DOMINGUE WARREN, and STEPHEN V. GRAHAM**, did knowingly and willfully conspire with each other and with others known and unknown to the Grand Jury to commit the following offense against the United States:

To knowingly devise a scheme or artifice or intend to devise a scheme or artifice to defraud and to obtain money by means of materially false and fraudulent pretenses, representations, or promises and, for the purpose of executing the scheme, did transmit or cause to be transmitted by means of wire or radio communications in interstate commerce, any writings, signals or sounds, in violation of Section 1343, Title 18, United States Code.

27. The allegations contained in paragraphs 9-24 of this Indictment are hereby re-alleged and incorporated herein as if fully set forth in this paragraph.

28. It was part of the conspiracy that Defendants **TAYLOR, RIVERS, CODY, WARREN, and GRAHAM** would cause approximately 32 false U.S. Individual Income Tax Returns, Forms 1040, to be electronically filed with the IRS by causing the transmission from Jackson, Mississippi, to Austin, Texas, of false return information containing approximately 64 stolen personal identifiers from Emory Healthcare patients in Atlanta, Georgia.

29. It was also part of the conspiracy that upon processing by the IRS of these false tax returns, fraudulent tax refunds would be generated in the form of Refund Anticipation Loans ("RALs"). Thereafter, these fraudulent tax refund payments would be electronically released by the U.S. Department of the Treasury to JPMorgan Chase bank accounts accessible to Defendant **CODY**. Thereafter, the defendants **TAYLOR, RIVERS, CODY, WARREN and GRAHAM** would cause the funds from the fraudulent tax refunds to be withdrawn at Trustmark Bank in Hinds County, Mississippi, by negotiating RAL checks issued by JPMorgan Chase, and thereafter used the proceeds for the personal benefit of each other.

All in violation of Section 1349, Title 18, United States Code.

COUNT 3

30. The allegations contained in paragraphs 1-6 of this Indictment are hereby re-alleged and incorporated herein as if fully set forth in this paragraph.

31. From in or about at least May 2008, and continuing through at least February 26, 2009, in Hinds County, in the Northern Division of the Southern District of Mississippi and elsewhere, the defendants **TIMOTHY BENJAMIN TAYLOR, NIKI ANTOINETTE RIVERS, VERNESHIA DANSHONETT CODY, CHERYL DOMINGUE WARREN, and STEPHEN V. GRAHAM**, did knowingly and willfully conspire with each other and with others known and unknown to the Grand Jury to commit the following offense against the United States:

To knowingly transfer, possess, or use, without lawful authority, a means of identification of another person with the intent to commit, or to aid or abet, or in connection with, any unlawful activity that constitutes a violation of Federal law, to-wit: wire fraud, or that constitutes a felony under any applicable State or local law, in violation of Section 1028(a)(7), Title 18 United States Code.

32. The allegations contained in paragraphs 8-24 and paragraphs 27-29 of this Indictment are hereby re-alleged and incorporated herein as if fully set forth in this paragraph.

33. In furtherance of the unlawful conspiracy and in order to accomplish the objectives thereof, the following overt acts, among others, were committed:

34. On or about February 9, 2009, Defendants **TAYLOR, CODY, and WARREN** caused a false U.S. Individual Income Tax Return, Form 1040, in the name of M.C.K. to be electronically filed with the IRS by wire communication from Jackson, Mississippi, to Austin, Texas, using the stolen personal identifiers belonging to M.C.K. and belonging to E.M.B., including but not limited to, names, dates of birth, and social security numbers.

35. On or about February 11, 2009, Defendants **TAYLOR, CODY, and WARREN** caused a false U.S. Individual Income Tax Return, Form 1040, in the name R.D.G. to be electronically filed with the IRS by wire communication from Jackson, Mississippi, to Austin, Texas, using the

stolen personal identifiers belonging to R.D.G. and belonging to C.M.H., including but not limited to, names, dates of birth, and social security numbers.

36. On or about February 11, 2009, Defendants **TAYLOR, CODY, and WARREN** caused a false U.S. Individual Income Tax Return, Form 1040, in the name L.J.H. to be electronically filed with the IRS by wire communication from Jackson, Mississippi, to Austin, Texas, using the stolen personal identifiers belonging to L.J.H. and belonging to P.M.M., including but not limited to, names, dates of birth, and social security numbers.

37. On or about February 11, 2009, Defendants **TAYLOR, CODY, and WARREN** caused a false U.S. Individual Income Tax Return, Form 1040, in the name V.I.L. to be electronically filed with the IRS by wire communication from Jackson, Mississippi, to Austin, Texas, using the stolen personal identifiers belonging to V.I.L. and belonging to K.N., including but not limited to, names, dates of birth, and social security numbers.

38. On or about February 11, 2009, Defendants **TAYLOR, CODY, and WARREN** caused a false U.S. Individual Income Tax Return, Form 1040, in the name W.N.L. to be electronically filed with the IRS by wire communication from Jackson, Mississippi, to Austin, Texas, using the stolen personal identifiers belonging to W.N.L. and belonging to J.S.M, including but not limited to names, dates of birth, and social security numbers.

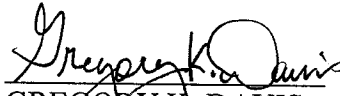
All in violation of Section 371, Title 18, United States Code.

NOTICE OF INTENT TO SEEK CRIMINAL FORFEITURE

As a result of committing the offenses as alleged in this Indictment, the defendants shall forfeit to the United States all property involved in or traceable to property involved in the offenses, including but not limited to all proceeds obtained directly or indirectly from the offenses, and all property used to facilitate the offenses. Further, if any property described

above, as a result of any act or omission of the defendants: (a) cannot be located upon the exercise of due diligence; (b) has been transferred or sold to, or deposited with, a third party; (c) has been placed beyond the jurisdiction of the Court; (d) has been substantially diminished in value; or (e) has been commingled with other property, which cannot be divided without difficulty, then it is the intent of the United States to seek a judgment of forfeiture of any other property of the defendants, up to the value of the property described in this notice or any bill of particulars supporting it.

All pursuant to Section 981(a)(1)(C), Title 18, United States Code and Section 2461, Title 28, United States Code.


GREGORY K. DAVIS
United States Attorney

A TRUE BILL:
S/SIGNATURE REDACTED
Foreperson of the Grand Jury

This indictment was returned in open court by the foreperson or deputy foreperson of the grand jury on this the 5th day of February, 2014.


UNITED STATES MAGISTRATE JUDGE